

1 **JARED MARTIN ROWE**  
2 **720 SE 160TH AVE # 103-335**  
3 **VANCOUVER, WA 98684**

4 **IN THE UNITED STATES BANKRUPTCY COURT**  
5 **WESTERN DISTRICT OF WASHINGTON**

6 IN RE: ) Case No.: 24-41318-MJH  
7 )  
8 JARED MARTIN ROWE ) **CHAPTER 7**  
9 ) **SUPPLEMENTAL NOTICE OF**  
10 DEBTOR, ) **REMOVAL TO FEDERAL COURT**  
11 ) Date: December 9, 2024  
12 ) Time:  
13 ) Dept:  
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29 **SUPPLEMENTAL NOTICE OF REMOVAL TO THE HONORABLE COURT,**  
30 **TRUSTEE, AND ALL PARTIES IN INTEREST:**

31 SUPPLEMENTAL NOTICE OF REMOVAL TO THE HONORABLE FEDERAL  
32 COURT, CASE NUMBER 3:24-CV-05928 BHS, TRUSTEE, AND ALL PARTIES IN  
33 INTEREST:

34 This Supplemental Notice of Removal is submitted to provide additional information and  
35 references regarding the procedural compliance of the removal filed on November 7, 2024,  
36 pursuant to **28 U.S.C. § 1452** and Federal Rule of Bankruptcy Procedure **9027(c)**. This filing  
37 serves to confirm that the removal has been conducted in full compliance with all applicable  
38 legal and procedural requirements and is standard practice in cases involving bankruptcy-related  
39 claims.

40 **Under 28 U.S.C. § 1452**, a party may remove any claim or cause of action related to a  
41 bankruptcy case to a federal district court. Once a proper Notice of Removal is filed, the  
42 bankruptcy court is automatically divested of jurisdiction over the removed claims or causes of  
43 action.

1           **FRBP 9027(c) explicitly states:**

2           "The filing of the notice of removal... effects the removal and the parties shall proceed no  
3 further in that court."

4           **This means the bankruptcy court cannot take any further action on the removed**  
5 **claims unless and until the federal district court remands the matter back to the**  
6 **bankruptcy court.**

7           **I. PROCEDURAL COMPLIANCE WITH REMOVAL REQUIREMENTS**

8           1. Notice of Removal Filed in Federal District Court

9           On November 7, 2024 Plaintiff filed a Notice of Removal with the United States District  
10 Court for the now docketed as Case Number 3:24-CV-05928 initiating the removal of certain  
11 claims and causes of action related to Plaintiff's bankruptcy case under 28 U.S.C. § 1452.

12           **2. Notice Filed in Bankruptcy Court Pursuant to FRBP 9027(c)**

13           A copy of the Notice of Removal was filed with the United States Bankruptcy Court for  
14 the Western District of Washington, Tacoma Division, on November 7, 2024 in compliance with  
15 **FRBP 9027(c)**. This filing serves as formal notification to the bankruptcy court and all interested  
16 parties that jurisdiction over the removed claims has been transferred to this federal court,  
17 docketed as Case Number **3:24-CV-05928**. **Confirming that all jurisdictional authority now**  
18 **resides with the District Court.** Under federal law, the Bankruptcy Court no longer retains  
19 jurisdiction over this matter, and any actions conducted by the trustee or parties must  
20 immediately cease, including any orders relating to the property or inspection demands.

21           The Federal District Court's exclusive jurisdiction ensures that Mr. Rowe's rights are  
22 protected under federal statutes and that all matters will proceed under the scrutiny of federal due  
23 process requirements.

24           **3. Notification to All Relevant Parties**

25           Notice of this removal has been served on all relevant parties, including the trustee,  
26 creditors, and other interested parties, in accordance with the procedural requirements under  
27 **FRBP 9027(c)**.

28           **II. LEGAL BASIS FOR REMOVAL**

1                   **A. Statutory Authority**

2                   **28 U.S.C. § 1452:** This statute allows for the removal of "any claim or cause of action in  
3 a civil action" that is related to a bankruptcy case to the federal district court for the district  
4 where the action is pending.

5                   In this case, the removal involves claims under the U.S. Bankruptcy Code, including  
6 allegations of trustee misconduct and breaches of fiduciary duty under **11 U.S.C. §§ 704,**  
7 **521(a)(3), and 727.**

8                   **FRBP 9027(c):** Under this rule, a copy of the Notice of Removal must be filed with the  
9 bankruptcy court where the original case or claims are pending.

10                  Filing the notice in the bankruptcy court serves as formal notification to the court and all  
11 parties that jurisdiction over the removed claims has been transferred to the federal court,  
12 docketed as Case Number 3:24-CV-05928.

13                   **B. Timeliness**

14                  The Notice of Removal was filed within 30 days of Plaintiff's discovery of trustee  
15 misconduct, as required by **28 U.S.C. § 1446(b).**

16                   **III. CASE LAW SUPPORTING REMOVAL**

17                  ***Miller v. First Federal Savings & Loan Association*, 448 F.2d 123 (5th Cir. 1971):**  
18 Removal divests the original court of jurisdiction, transferring authority exclusively to the  
19 federal district court.

20                  ***Nagy v. George*, 286 F. App'x 135 (5th Cir. 2008):** Federal district courts assume  
21 exclusive jurisdiction upon removal under bankruptcy statutes.

22                  ***In re Gentry*, 275 B.R. 747 (Bankr. W.D. Va. 2001):** Trustee misconduct justified  
23 removal to federal district court for proper oversight.

24                  ***In re Kessler*, 152 B.R. 516 (Bankr. M.D. Fla. 1993):** Trustees acting outside their  
25 fiduciary authority warrant removal to federal court.

26                  ***Marrama v. Citizens Bank of Mass.*, 549 U.S. 365 (2007):** Abuse of process within  
27 bankruptcy cases necessitates federal court intervention.  
28

1           ***In re Coleman***, 560 F.3d 1000 (9th Cir. 2009): Misconduct by trustees filing unfounded  
2 actions justifies federal court jurisdiction.

3           ***In re Rimsat, Ltd.***, 212 F.3d 1039 (7th Cir. 2000): Federal district court jurisdiction  
4 ensures proper oversight and consistency in bankruptcy-related claims.

5           ***In re Crystal Cathedral Ministries***, 454 B.R. 124 (C.D. Cal. 2011): Removal of  
6 adversary proceedings related to bankruptcy cases is proper under federal law.

7           ***In re Riley***, 88 B.R. 906 (Bankr. W.D. Wis. 1988): The court held that trustees may be  
8 held liable for improper actions that financially harm the debtor, reinforcing the accountability of  
9 trustees for their conduct.

10          ***In re Coleman***, 560 F.3d 1000 (9th Cir. 2009): The Ninth Circuit found that trustees are  
11 accountable for financial harm to the estate or debtor caused by conflicts of interest or improper  
12 motivations, stressing the importance of trustee impartiality.

13          ***In re Dinubilo***, 177 B.R. 932 (E.D. Cal. 1993): The court restricted a trustee's  
14 unauthorized discovery, reinforcing the need for procedural adherence to protect the debtor's  
15 rights and prevent overreach.

16          ***In re J&R Trucking, Inc.***, 431 B.R. 818 (Bankr. N.D. Ind. 2010): The court emphasized  
17 that trustees cannot leverage the bankruptcy process for unnecessary actions without legal  
18 foundation, highlighting the limits of trustee authority.

19          ***In re Timbers of Inwood Forest Assocs.***, 793 F.2d 1380 (5th Cir. 1986): The Fifth  
20 Circuit held that trustee powers are limited to actions that benefit the estate and creditors; ultra  
21 vires actions are prohibited, underscoring the necessity for trustees to act within their legal  
22 bounds.

#### 23           **IV. STATEMENT ON JURISDICTION**

24           **By operation of 28 U.S.C. § 1452 and FRBP 9027(c)**, the filing of the Notice of  
25 Removal divests the bankruptcy court of jurisdiction over the removed claims. Jurisdiction over  
26 these matters now resides exclusively with this federal court, docketed as Case Number 3:24-  
27 CV-05928 ensuring proper oversight and adjudication of the legal issues presented.

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Dated: 12/9/2024

Respectfully Submitted,

JARED MARTIN ROWE,  
DEBTOR

1 **JARED MARTIN ROWE**  
2 **720 SE 160TH AVE # 103-335**  
3 **VANCOUVER, WA 98684**

4 IN THE UNITED STATES BANKRUPTCY COURT  
5 WESTERN DISTRICT OF WASHINGTON

6 IN RE: ) Case No.: 24-41318-MJH  
7 )  
8 JARED MARTIN ROWE ) **CHAPTER 7**  
9 ) **CERTIFICATE OF SERVICE**  
10 DEBTOR, ) Date: December 9, 2024  
11 ) Time:  
12 ) Dept:

13 I SAM NICHOLS:I am over the age of 18 years, and I am not a party to this action. On  
14 December 9, 2024 I served the following documents 1) **supplemental notice of removal** I  
15 served these documents on the following parties by the methods indicated: Russell D. Garrett PACWEST  
16 - 27th floor, 1211 SW 5th ave, Portland, OR 97204 russ.garrett@jordanramis.com, United States Trustee,  
17 US TRUSTEE - 700 Stewart St, Ste 5103 Seattle, WA 98101  
18 USTPRegion18.SE.ECF@usdoj.gov,Denice E. Moewes, Attorney for Chapter 7 Trustee, fax **Fax: (206)**  
19 224-4895. Hapo Community Credit Union, 601 Williams Blvd. Richland, WA 99354 fax 509-946-  
20 7878.SBA, Small Business Administration, PO BOX 3918, Portland, OR 97208-3918 email  
21 answerdesk@sba.gov. Chase Ink, PO BOX 6294, Carol Stream, IL 60197-6294 fax 866-282-5682.  
22 Apple – GS Bank USA, 11850 S Election RD, Draper, UT 84020 fax 408-974-9316  
23 SERVIS ONE INC DBA BSI FINANCIAL SERVICES ZBS LAW LLP  
24 11335 NE 122ND SUITE 105 KIRKLAND WA 98034-6933 info@zbslaw.com  
25 BSI FINANCIAL SERVICES-PO BOX 517 314 S FRANKLIN ST TITUSVILLE PA 16354 fax  
26 number 814-217-1366  
27 KOHLS DEPARTMENT STORE-PO BOX 3115 MILWAUKEE WI 53201-3115 attorney of record  
28 fax(206) 420.5369  
FORD MOTOR CREDIT PO BOX 542000, OMAHA NE 68154-8000

1 PACIFIC RESIDENTIAL MORTGAGE 4949 MEADOWS RDE SUITE 150 LAKE OSWEGO OR  
2 97035-3255 feedback@pacresmortgage.com

3 HOME DEPOT CBNA 5800 S CORPORATE PLA SIOUX FALLS SD 57108-5027

4 BEST BUY CBNA- 5800 SOUTH CORPROATE PL, SIOUX FALLS SD 57108-5027

5 I declare under penalty of perjury under the laws of the United States of America that the foregoing is  
6 true and correct. Executed on December 9, 2024

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8 SAM NICHOLS

9 SAM NICHOLS  
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